



PATENT
89165.0014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kenichi IMAMIYA, et al.

Serial No. 10/822,957

Confirmation No. 3608

Filed: April 13, 2004

For: Non-Volatile Semiconductor
Memory Device

Art Unit: 2818

Examiner: Yoha, Connie C.

**SECOND TERMINAL DISCLAIMER TO
OBVIATE A DOUBLE PATENTING
REJECTION (37 C.F.R. § 1.321(c))**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this correspondence
is being deposited with the United States
Postal Service with sufficient postage as
first class mail in an envelope addressed
to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

February 15, 2005

Date of Deposit

Joyce Hegeman

Name

Signature

February 15, 2005

Date

IDENTIFICATION OF PERSON MAKING THIS DISCLAIMER

I, Troy M. Schmelzer represent that I am

02/18/2005 HDEMESS1 00000059 501314 10822957
02 FC:1814 130.00 DA

☐ an applicant

☐ an assignee

☒ a representative authorized to sign on behalf of the assignee identified
below owning all of the interest in this application.

The assignee is:

Name of assignee

Kabushiki Kaisha Toshiba

Address of assignee

1-1, Shibaura 1-chome
Minato-ku, Tokyo 105-8001 Japan

Title of disclaimant
authorized to sign on
behalf of assignee

Attorney for Applicant and Assignee

RECORDAL OF ASSIGNMENT IN PATENT OFFICE

- ☒ The assignment was recorded on March 31, 2003 at
Reel No. 013893
Frame No(s). 0973
- ☐ authorization for recordal of the assignment is separately attached

EXTENT OF INTEREST

The extent of my (our) interest is in

- ☒ the whole of this invention
- ☐ a sectional interest in this invention as follows:

DISCLAIMER

Kabushiki Kaisha Toshiba hereby disclaims the terminal part of a patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- ☒ United States Patent No. 6,751,122 as presently shortened by any terminal disclaimer
- ☐ any patent granted on application serial No. _____,

and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- ☒ United States Patent No. 6,751,122
- ☐ any patent granted on application serial No. _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Kabushiki Kaisha Toshiba does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- ☒ United States Patent No. 6,751,122 as presently shortened by any terminal disclaimer
- ☐ any patent granted on application serial No. _____,

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as

presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

FEE STATUS
(37 C.F.R. § 1.20(d))

- ☒ Other than small entity
- ☐ Small entity
 - ☐ verified statement attached
 - ☐ verified statement filed _____


FEE PAYMENT

- ☐ Attached is a check in the sum of \$_____.
- ☒ If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of this terminal disclaimer to Deposit Account No. 50-1314. A copy of this paper is enclosed.
- ☒ Charge Account No. 50-1314 the sum of \$ 130.00. A duplicate of this disclaimer is attached.

Undersigned further declares that the evidentiary documents establishing ownership by the assignee have been reviewed and certifies that to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 15, 2005



Troy M. Schmelzer
Reg. No. 36,667
Attorney for Applicant and Assignee

HOGAN & HARTSON L.L.P.
Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 337-6700
Facsimile: (213) 337-6701